

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

IN RE: CESSNA 208 SERIES AIRCRAFT) MDL No. 1721
PRODUCTS LIABILITY LITIGATION)
(This document relates to all cases.)) Case No.: 05-md-1721-KHV

SECOND AMENDED CASE MANAGEMENT ORDER

This Second Amended Case Management Order shall govern this multi-district litigation as follows:

1. All discovery on individual case issues may continue until remand and after remand until the court on remand determines that it should be concluded.
2. Discovery taken in the MDL, including written discovery and depositions, may be used by any party to any case which has been or which is in the future transferred to the MDL.
3. No party in any case currently pending in the MDL or which is transferred to the MDL in the future shall repeat written discovery or depositions which have already been done in the MDL. Parties in cases currently pending in the MDL or which are transferred to the MDL in the future may propound written discovery or take additional depositions of the same witnesses, limited to new matters only.
4. Expert disclosures made in the MDL on "common MDL issue" expert witnesses shall be binding in all MDL cases.
5. By **September 29, 2008**, plaintiffs shall complete any depositions of defendants' "common MDL issue" expert witnesses with the exception of the deposition of David Kohlman, which will be taken October 3, 2008. This deadline may be extended for good cause shown and upon further specific order of the Court.
6. All discovery to be done in the MDL shall close by **October 3, 2008**.

This date may be extended for good cause shown and upon further specific order of the Court.

7. A final pretrial conference regarding the "common MDL issues" is scheduled for **2:00 p.m.** on **October 17, 2008**, before Magistrate Judge David J. Waxse and will be held by teleconference. The Court will initiate the conference call to counsel identified in the proposed pretrial order at the telephone contact numbers listed on the docket. The parties shall submit via e-mail to the magistrate Judge (but not file with the Clerk's Office) their joint proposed pretrial order by **October 10, 2008**. The proposed pretrial order shall be in the form (revised December 2006) available on the Court's website (www.ksd.uscourts.gov).

8. Potentially dispositive motions (e.g., motions for summary judgment) and motions to exclude testimony of expert witnesses pursuant to Fed. R. Evid. 702-705, *Daubert v. Merrell Dow Pharmaceuticals, inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law, may be filed by **October 30, 2008**, for consideration in the MDL. Summary judgment motions, as well as motions to exclude testimony of expert witnesses, evidentiary and other individual motions may also be filed in the individual cases in the transferor courts following remand.

9. For cases transferred to the MDL after April 30, 2008, any motion for leave to join additional parties or otherwise to amend the pleadings shall be filed by **September 30, 2008**.

10. For cases transferred to the MDL after April 30, 2008, provided that such defenses have been timely preserved, any motions to dismiss for lack of personal jurisdiction, venue, propriety of the parties, or failure to state a claim upon which relief can be granted shall be filed by **October 30, 2008**.

11. For cases transferred to the MDL after April 30, 2008, the parties shall serve preliminary witness and exhibit disclosures pursuant to Fed. R. Civ. P. 26(a)(3)(A) and (C) by **November 28, 2008**.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 10th day of September, 2008.

S/DAVID J. WAXSE

David J. Waxse

United States Magistrate Judge

Submitted and approved by:

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